

AMENDMENT
U.S. Appln. No. 10/644,830

REMARKS

Claims 1 and 3-37 are all the claims pending in the application.

Amended Claim 1 finds support by the description at the first full paragraph on page 4 of the specification.

Claim 2 has been canceled.

Claims 3 and 5 have been amended so as to be consistent with amended Claim 1.

New Claims 20-37 correspond to pending Claims 1 and 3-19, respectively, except that in independent Claim 20 the at least one layer of the at least one organic layer contains at least one compound *consisting of* carbon, fluorine and nitrogen. That is, the compound of independent Claim 20 contains no atoms other than carbon, fluorine and nitrogen atoms. Applicants again refer to the first full paragraph at page 4 of the specification.

No new matter has been added.

I. Foreign Priority Document

Referring to the Office Action Summary page, the claim to foreign priority and receipt of the foreign priority document has not been acknowledged. The priority document (JP 2002-241663) was submitted October 20, 2003. Applicants request that the Examiner acknowledge the claim to foreign priority and receipt of the foreign priority document in the next Office communication.

II. Rejection Under 35 U.S.C. § 102

At Section No. 2 (pages 2-4) of the Office Action, Claims 1-5, 7-13, and 18-19 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,352,791 ("US '791").

Applicants respectfully traverse.

Claims 1 and 20 are the pending independent claims. Claim 1 requires the at least one layer of the at least one organic layer to contain at least one compound consisting essentially of

AMENDMENT
U.S. Appln. No. 10/644,830

carbon, fluorine and nitrogen, wherein the compound contains hydrogen atoms in an amount not greater than one hydrogen atom per six carbon atoms. Claim 20 requires the at least one layer of the at least one organic layer to contain at least one compound consisting of carbon, fluorine and nitrogen. That is, the compound of independent Claim 20 contains no atoms other than carbon, fluorine and nitrogen atoms.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

US '791 does not anticipate the claimed invention because US '791 does not disclose the above elements of Claims 1 and 20 as required by §102. In particular, US '791 does not disclose a compound containing hydrogen atoms in an amount not greater than one hydrogen atom per six carbon atoms and consisting essentially of carbon, fluorine and nitrogen. Furthermore, US '791 does not disclose a specific compound having the features of the present invention as claimed. For example, formula (II) of US '791, which is identified by the Examiner at the bottom of page 2 of the Office Action, includes substituents R₁, R₂, and R₄. There is no description in US '791 of a plurality or all of these substituents being substituted by X, Y, or Z. Clearly the compounds disclosed in US '791 contain hydrogen atoms in an amount exceeding one hydrogen atom per six carbon atoms. Moreover, there is nothing in US '791 which would lead one of ordinary skill in the art to make such substitution leading to the compound of the present invention.

Simply put, the claimed subject matter is not disclosed in US '791 with sufficient specificity to constitute an anticipation. See MPEP §2131.03.

Applicants therefore request reconsideration and withdrawal of the §102 rejection of Claims 1-5, 7-13, and 18-19.

AMENDMENT
U.S. Appln. No. 10/644,830

III. Rejection Under 35 U.S.C. § 103

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US '791 in view of U.S. Patent No. 6,166,125 ("US '125").

Applicants respectfully traverse.

Claim 6 indirectly depends from Claim 1.

For the reasons noted at Section II above, US '791 does not disclose or suggest the claimed compounds containing not greater than one hydrogen atom per six carbon atoms.

Claim 6 is also separately patentable for the following reasons.

In US '791, the triazine compound is included within a light-emitting layer disposed between a pair of electrodes of an organic electroluminescent device. On the other hand, US '125 concerns a graded-refractive-index optical plastic material, where the triazine compound is added to plastic to obtain a material having low scattering loss and high thermal resistance.

There is no light emission in the graded-refractive-index optical plastic material of US '125 used, for example, as a preform of an optical fiber (column 1, lines 11-14). Also, low scattering loss and high thermal resistance are not relevant to the light-emitting layer of US '791. Thus, it is respectfully submitted that there is no reasonable suggestion in the prior art to combine the cited references in the first instance.

Applicants therefore request reconsideration and withdrawal of the §103(a) rejection of Claim 6.

IV. Rejection Under 35 U.S.C. § 103

Claims 14-17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US '791 in view of "Applicant Admitted Prior Art (APA)."

Applicants respectfully traverse.

Claims 14-17 depend (directly or indirectly) from Claim 1.

AMENDMENT
U.S. Appln. No. 10/644,830

For the reasons noted at Section II above, US '791 does not disclose or suggest the claimed compounds containing not greater than one hydrogen atom per six carbon atoms.

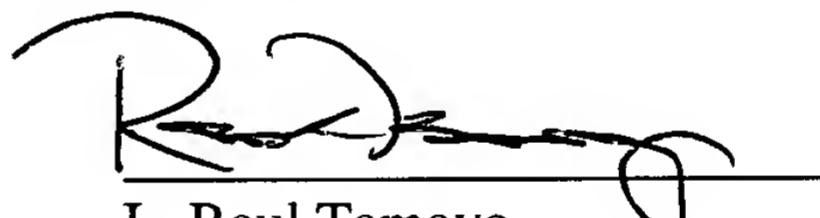
APA does not cure this deficiency of US '791.

Applicants therefore request reconsideration and withdrawal of the §103(a) rejection of Claims 14-17.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



L. Raul Tamayo
Registration No. 47,125

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: February 16, 2005